

API THE AUSTRALIAN
PROPERTY
INSTITUTE

APIV LIMITED



Professional Review Form 2020

API Document

APIV Document

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Introduction

The Professional Conduct Policy (**Policy**) provides the Complainant the opportunity to bring to the attention of the Australian Property Institute Limited (**API**) circumstances which may give rise to a finding of Professional Misconduct against an API Member or an Australian Property Institute Valuers Limited (**APIV**) Member. Similarly, this Policy provides the Chief Executive Officer an opportunity to undertake a Disciplinary Assessment into the conduct of a Member.

Prior to raising a Professional Review and/or undertaking a Disciplinary Assessment, it is expected that the Member be given an opportunity to address the conduct which is of concern.

A Professional Review may be raised by an individual or entity against the Member, by completing the Professional Review Form (**Form**).

Once a Professional Review has been raised with the API or a Disciplinary Assessment is initiated by the API, the API appointed Professional Conduct Officer will undertake a preliminary assessment in the first instance, followed by a substantive investigation into the conduct of the Member. The Member will have the opportunity to respond if the matter progresses to the substantive investigation stage.

The Professional Conduct Officer will maintain communication with all parties and will remain impartial throughout the process. A Professional Conduct Panel will be formed in accordance with the Professional Conduct Committee Charter, to consider and hear a particular matter. The Professional Conduct Panel will consider all information provided by the Professional Conduct Officer and will make a determination whether there is evidence to establish a finding of Professional Misconduct against a Member.

The API has no authority or Jurisdiction to:

- determine negligence;
- assess the accuracy of a valuation;
- investigate or determine the outcome of a dispute, or difference of opinion between a Complainant and a Member as to the assessed Market Value, Market Rent or any other International Valuation Standards basis of value;
- request an amendment to be made to the report;
- order a Member to provide a refund of fees or reimbursement of professional fees to a Complainant;
- award any form of compensation to any parties subject to a Professional Review;
- investigate a Professional Review raised where legal avenues of redress should be or are being pursued;
- and
- overturn any decision made by courts, tribunals, other associations or regulator bodies when investigating a Professional Review.

If the alleged Professional Misconduct or the Member who is subject to a Professional Review and/or Disciplinary Assessment, is the subject to current proceedings before a court, tribunal, state licensing body, or other bodies, the API investigation will be suspended pending the outcome of those proceedings and any appeal of those proceedings.

Should you have any queries or feedback regarding this process, please do not hesitate to contact us on 1800 111 274 or write to us at professionalconduct@api.org.au.

1. Purpose

- 1.1. The purpose of this Form is to provide:
- (a) a Complainant the opportunity to raise issues of concern about the conduct of a Member;
 - (b) administrative uniformity in handling the Professional Review raised;
 - (c) reporting and recording obligations pursuant to the Professional Conduct Policy; and
 - (d) protection to the consumer, the community and the reputation of the professional property industry.

2. Definitions

- 2.1. Where a defined term is included in this Form it is identified as a capitalised term.
- 2.2. The meaning of such capitalised term may be found in section 2 of the Professional Conduct Policy.

3. Information details of the Complainant and Member

- 3.1. In the matter of a Professional Review raised by

3.2 Details of the Complainant	
Name	
Company	
Address	
Contact Number	
Email Address	

Concerning

3.3 Details of the Member	
Name	
Company	
Address	
Contact Number	
Email Address	

4. Matter details

4.1 Is the alleged misconduct or the API Member subject to any proceedings currently on foot with a Court, Tribunal or Licensing Body?
<input type="checkbox"/> No <input type="checkbox"/> Yes
If you have ticked Yes to the above, a Professional Review into the conduct of the API Member will not commence until the proceedings are final and any appeals are finalised.

4.2 Has the alleged misconduct or the API Member been subject to any proceedings with a Court, Tribunal or Licensing Body?	
<input type="checkbox"/> No <input type="checkbox"/> Yes	
If you have ticked Yes to the above, please provide an explanation of the nature of those proceedings and a copy of the outcome.	

5. Early resolution

5.1 Have you discussed/addressed this matter with the Member who is the subject of the Professional Review?

No Yes

If No, why not?

If Yes, when and what was the result?

6. Your allegation(s) against the Member

- 6.1. For the API to assess and consider the Professional Review raised by you, you must identify the category(ies) which you believe the Member has breached.
- 6.2. You must provide an explanation why you allege the Member is in breach of the category. If you are referring to a document, please ensure you provide the relevant rule or section, page number and paragraph where appropriate.

6.3 Categories	6.4 Explanation of how the Member is in breach
<input type="checkbox"/> valuation figure	
<input type="checkbox"/> service provided	
<input type="checkbox"/> competency	
<input type="checkbox"/> ethical duties	
<input type="checkbox"/> conflict of interest	
<input type="checkbox"/> personal bias	
<input type="checkbox"/> adversely affect the reputation of the API	
<input type="checkbox"/> plagiarism	
<input type="checkbox"/> valuation process	
<input type="checkbox"/> unsupervised student or provisional member	
<input type="checkbox"/> failure to disclose departure from accepted industry practice	
<input type="checkbox"/> fraudulent & dishonest behaviour	
<input type="checkbox"/> defamation	
<input type="checkbox"/> non-compliance with Professional Member Obligations	
<input type="checkbox"/> other	

7. Professional Review details

7.1. Please provide the timeline of events for the Professional Review raised by you.

7.2 Timeline of events

7.3 How the event has affected you?

7.4 What outcome are you seeking?

8. Supporting evidence

- 8.1. Supporting evidence is crucial to the Professional Review raised by you. For the API to properly consider the Professional Review raised by you, you must ensure you provide all relevant evidence in support of the allegation(s) raised by you against the Member.
- 8.2. Examples of supporting evidence include, but are not limited to:
- (a) Any correspondence (including emails) relating to this matter;
 - (b) Instructions provided;
 - (c) Retainer agreements;
 - (d) Valuation report(s); and
 - (e) Any other relevant documentation to support your allegation(s).

9. Acknowledgement

- 9.1. By completing and returning this Form, I acknowledge all information on this form is true and correct, and I have read, understood and accepted the privacy statement and collection notice contained on the following page.
- 9.2. Pursuant to the API Professional Conduct Policy, I acknowledge and agree to:
- (a) The completion of this Form to the satisfaction of the Professional Conduct Officer;
 - (b) The API dismissing the complaint, if upon review the Professional Review, it is found to relate solely to a quantum issue, or not within the jurisdiction of the API;
 - (c) The API suspending the Professional Review, if the conduct raised of the Member subject to the Professional Review is subject to current proceedings before a Court or State licensing body pending the outcome of those proceedings and any appeal of those proceedings;
 - (d) The API does not have authority to request a Member to amend a valuation, refund fees and/or provide any form of monetary compensation to the Complainant;
 - (e) My obligations of confidentiality pursuant to section 22 of the Professional Conduct Policy;
 - (f) The API disclosing your identity, as the Complainant, to the Member; and
 - (g) The API providing a copy of this Form, all evidence submitted to the API or correspondence which the API is inadvertently or not carbon copied into, and any direct correspondence between the API and the Complainant, to the Member, the Professional Conduct Panel and any other third party as permitted under the Professional Conduct Policy.

Signature of the Complainant	
Name of the Complainant	
Date	

10. Return Details

10.1. You must return the completed Form to the below details:

To	The Professional Conduct Officer
Email	professionalconduct@api.org.au
Post	Level 3 60 York Street DEAKIN ACT 2600
Queries	1800 111 274 or professionalconduct@api.org.au

11. Privacy statement and collection notice

- 11.1. Australian Property Institute Limited (ACN 608 309 128), and related entities (together API) need to collect your personal information contained on this form to investigate your complaint in accordance with the API Professional Conduct Policy.
- 11.2. If you do not provide us with the information or any additional information we request, we may not be able to proceed with the investigation of your complaint.
- 11.3. All personal and sensitive information is held by API and its staff in accordance with the API Privacy Policy. For further information about API's collection, use, disclosure, and management of personal information please refer to the API Privacy Policy.
- 11.4. By providing API with your personal information, you will be deemed to have read, understood and accepted API's Privacy Policy, as amended from time to time, and the most recent version of which is made available on the API website.

12. Review of the Form

- 12.1. This Form will be reviewed annually to ensure continued relevance to the operations of the API.
- 12.2. This review will include consultation with the API Board.
- 12.3. Amendments to this Form must be approved by the API Board.